

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$31,076.00 IN U.S. CURRENCY,

Defendant.

CIVIL NO. 18-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico; Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division, and Maritza González-Rivera, Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 841(a)(1) and 881(a)(6); and Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

DEFENDANT IN REM

2. The defendant currency seized by an officer of the Drug Enforcement Administration (“DEA”), consists of \$31,076.00 in U.S. currency.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States

pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 21, United States Code, Sections 841(a)(1) and 881(a)(6); and Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

4. This Court has in rem jurisdiction over the defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 841(a)(1)(Unlawful acts and 881(a)(6)(All moneys, negotiable, instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter), and money laundering schemes Title 18, United States Code, Sections 1956(a)(1)(B)(i) (Laundering of monetary instruments) and 1957(a) (Engaging in monetary transactions in property derived from specified unlawful activity).

FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the DEA, Special Agent, Ronal A. Benavides attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant currency be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 21th day of September, 2018.



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ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney



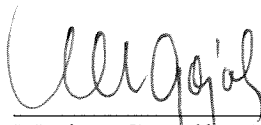
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VERIFIED DECLARATION

I, Maritza González-Rivera, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the Drug Enforcement Administration ("DEA"); that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 21th day of Sept., 2018.



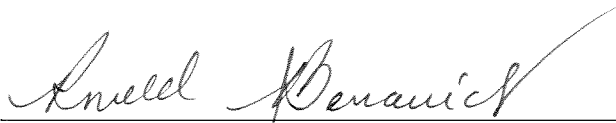
Maritza González-Rivera
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Ronald A. Benavides, Special Agent, DEA declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 21 day of Sept., 2018.



Ronald A. Benavides, Special Agent
Drug Enforcement Administration ("DEA")

UNSWORN DECLARATION
IN SUPPORT OF FORFEITURE COMPLAINT

INTRODUCTION

Pursuant to Title 28, United States Code, Section 1746, I, Ronald A. Benavides, Special Agent, of the United States Department of Justice, Drug Enforcement Administration (DEA), declare under penalty of perjury that the foregoing is true and correct:

I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7). I am, therefore, an officer who is empowered to conduct criminal investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section, 2516.

I have been a Special Agent with the DEA for over five years. As a Special Agent, I have been sworn to enforce the laws of Title 21, United States Code, and related offenses under Title 18, United States Code. I have received sixteen weeks of training at the DEA Academy at Quantico, VA. In addition, I have served sixteen years with the U.S. Army Reserve and have achieved the rank of Captain. I am currently assigned to the AirTAT (Task Force Group II).

During my law enforcement career, I have received detailed instruction in and conducted various complex conspiratorial investigations concerning the unlawful importation and distribution of controlled substances; the laundering and concealment of

drug proceeds; and the illegal use of communication facilities by drug traffickers in furtherance of their criminal activities.

PROPERTY TO BE FORFEITED

\$31,076.00 IN U.S. CURRENCY

FACTUAL BACKGROUND

I make this unsworn declaration, on information and belief derived from the following source:

Oral and/or written reports and documents about this and other federal agents or officers of the DEA and local Puerto Rico Police Department (PRPD) who have assisted with this investigation.

1. On May 21, 2018, members of the Drug Enforcement Administration (DEA), in conjunction with the Organized Crime Drug Enforcement Task Force (OCDETF) Airport Investigations and Tactical Team (AirTAT) were conducting routine interdictions at the Luis Muñoz Marín International Airport (LMMIA) in Carolina, Puerto Rico. The AirTAT is a joint federal, state and local law enforcement investigative initiative specifically designed to identify, infiltrate, disrupt and dismantle narcotics trafficking, laundering of drug money proceeds and bulk currency smuggling organizations operating in Puerto Rico.
2. At approximately 10:00 a.m., AirTAT agents Task Force Officer (TFO) Lilliam Carbonell and DEA Special Agent (SA) Ronald Benavides encountered Misty Michelle COLON-Leon in the JetBlue, Baggage Claim area at the LMMIA.

COLON-Leon was arriving on JetBlue Airways Flight #275, which originated in Hartford Springfield, CT. AirTAT agents observed COLON-Leon acting nervous and talking on her cellphone after obtaining her luggage, a black canvas rolling bag, and a small black duffel bag from the carousel.

3. TFO Carbonell and SA Benavides approached COLON-Leon and introduced themselves as law enforcement officers. AirTAT Agents asked COLON-Leon for identification and information pertaining to her flight.
4. COLON-Leon was visibly nervous as she responded that she was coming to Puerto Rico to pay contractors that were currently working on the remodeling of a property she owns with her husband in Ponce, PR. Nevertheless, COLON-Leon was not able to provide an address for her property in Ponce, PR. In addition to that, COLON-Leon had a one-way airline ticket.
5. TFO Carbonell asked COLON-Leon if she was transporting any contraband, firearms, narcotics, or a large amount of U.S. Currency (USC). COLON-Leon stated she was not transporting any contraband, only cash that belonged to her husband. COLON-Leon told TFO Carbonell that she had approximately \$9,000 in USC.
6. During the conversation, TFO Carbonell asked COLON-Leon for consent to allow a K-9 Dog unit, trained to detect narcotics, to conduct a sniff test to her luggage. COLON-Leon gave consent and K-9 unit "Quattro" #33819 handled by PRPD Agent Samuel Marrero #32064 conducted a sniff test. During the sniff test

of the suitcases the K-9 "Quattro" alerted positive to the odor of narcotics to COLON-Leon's suitcases.

7. SA Ronald Benavides and TFO Lilliam Carbonell told COLON-Leon if she would agree to continue the conversation in the Customs and Border Protection (CBP) office, and COLON-Leon agreed. COLON-Leon was advised that she was not under arrest.
8. Once in the CBP office, at approximately 10:30 a.m., SA Benavides and TFO Carbonell asked COLON-Leon if she would sign a consent form, DEA form 88-a, authorizing AirTAT agents to conduct a thorough search of her personal effects including cellphone. COLON-Leon agreed, and signed the consent to search her luggage, backpack and personal cellphone. TFO Lilliam Carbonell searched COLON-Leon's luggage and backpack. While searching the contents of COLON-Leon's backpack TFO Carbonell located several envelopes sealed, which were later found to contain US currency amounting to \$31,076.00 USC.
9. SA Benavides asked COLON-Leon regarding the origin of the funds. COLON-Leon stated to SA Benavides that her husband, Jose Miguel BAUZA, resells vehicles in Connecticut and gets payment in cash constantly. SA Benavides asked COLON-Leon whether she had any evidence regarding her husband's sale of the vehicles. COLON-Leon stated she did not have any financial documentation to support her statements regarding the source of the U.S. Currency.

10. The search of COLON-Leon's luggage and backpack did not produce any receipts, bank statements, or any other type of paperwork showing that the \$31,076.00 USC belonged to COLON-Leon. COLON-Leon stated to SA Benavides and TFO Carbonell that she works independently as a nail technician and does not have a steady income.
11. Due to my training and experience, I recognized that the nervousness displayed by COLON-Leon's during her conversation with the AirTAT Agents and the incompatible statements she provided, are consistent with the behavior of couriers when transporting bulk currency obtained as profits from illegal narcotics.
12. COLON-Leon was not arrested but the U.S. Currency was administratively seized. The process to claim the U.S. Currency was explained to her and she received a receipt for the money seized.
13. Based on the above mentioned information, the aforementioned US Currency was administratively seized as drug proceeds, according to Title 21 USC 881 (a)(6). Agents requested record checks on COLON-Leon to verify if any outstanding warrants were open with negative results.

This Unsworn Declaration is submitted in support of the Complaint for Forfeiture *in Rem*, which involves the offenses detailed in Section 881(a)(6) of Title 21, United States Code, particularly the all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds

traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter. Therefore, I have not set forth each and every fact learned during the course of this investigation.

Based upon my training and experience, participation in other investigations, and facts concerning this investigation, I believe that sufficient probable cause exists to show that the \$31,076.00 U.S. Currency seized from COLON-Leon is forfeitable as proceeds of violations of Title 21, United States Code, Sections 841(a)(1) , 881(a)(6) and money laundering, Title 18, United States Code, Sections 1956 (a) (1) (B)(i) and 1957 (a).

Sworn and signed under penalty of perjury, pursuant to Title 28, United States Code, Section 1746, in San Juan, Puerto Rico this 21 of September, 2018.



Ronald A. Benavides, Special Agent
Drug Enforcement Administration ("DEA")

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza González-Rivera, AUSA, 350 Carlos Chardón Ave, Suite 1201, Hato Rey, PR 00918

DEFENDANTS

\$31,076.00 IN U.S. CURRENCY,

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 21, U.S.C., Sections 841(a)(1) and 881(a)(6); and Title 18, U.S.C., Sections 1956(a)(1)(B)(i) and 1957(a).

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09-21-2018

SIGNATURE OF ATTORNEY OF RECORD

S/Maritza González-Rivera

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

US v. \$31,076.00 IN U.S. CURRENCY,

2. Category in which case belongs: (See Local Rules)

☒ X

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ X

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ X

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ X

NO

(Please Print)

USDC ATTORNEY'S ID NO.

208801

ATTORNEY'S NAME:

MARITZA GONZALEZ RIVERA

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

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